

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

REBECCA IRENE AULT,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

No. C06-0027-LRR

No. CR05-0032-LRR


ORDER

This matter appears before the court on Rebecca Irene Ault's letter. The Clerk of Court filed such letter on February 22, 2006. Rebecca Irene Ault ("the movant") did not cite or rely on a particular rule or statute. Accordingly, the court deems it appropriate to construe or recharacterize the movant's motion as a 28 U.S.C. § 2255 motion. *See Castro v. United States*, 540 U.S. 375, ___, 124 S. Ct. 786, 792, 157 L. Ed. 2d 778 (2003) (concluding a court may recharacterize a pro se litigant's pleading but before doing so the court "must notify the pro se litigant that it intends to recharacterize the pleading, warn the litigant that this recharacterization means that any subsequent [28 U.S.C.] § 2255 motion will be subject to the restrictions on 'second or successive' motions, and provided the litigant an opportunity to withdraw the motion or to amend it so that it contains all the [28 U.S.C.] § 2255 claims he believes he has"). By this order, the movant is notified that the court intends to recharacterize her pleading as a motion pursuant to 28 U.S.C. § 2255. *Id.* The movant is also warned that this recharacterization means that any subsequent 28 U.S.C. § 2255 motion will be subject to the restrictions on "second or successive"

motions. *Id.* Finally, the movant is directed to either withdraw the motion or to amend it so that it contains all the 28 U.S.C. § 2255 claims she believes that she has by no later than June 30, 2006. *Id.* The Clerk of Court is directed to send the movant the form typically used by those individuals who are seeking to vacate, set aside or correct their sentences, that is, a 28 U.S.C. § 2255 form.

IT IS SO ORDERED.

DATED this 23rd day of May, 2006.



LINDA R. READE
JUDGE, U. S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA